

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA

BABYAGE.COM, INC., :  
Plaintiff-Counterclaim Defendant : CIVIL ACTION NO. 3:07-CV-01600-ARC  
v. :  
: Judge A. Richard Caputo  
LEACHCO, INC., :  
Defendant-Counterclaim Plaintiff/ : Filed Electronically  
Third Party Plaintiff :  
and :  
JAMIE S. LEACH, :  
Counterclaim Plaintiff/ :  
Third Party Plaintiff :  
v. :  
JOHN M. KIEFER, JR., :  
Third Party Defendant :  
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**BABYAGE'S RESPONSE TO**  
**LEACHCO'S ADDITIONAL MATERIAL FACTS**

NOW COMES, the Plaintiff-Counterclaim Defendant, BabyAge.com, Inc. (“BabyAge”), by and through its attorney, Andrew J. Katsock, III, Esquire, and hereby responds to the Additional Material Facts asserted by the Defendant-Counterclaim Plaintiff, Leachco, Inc. (“Leachco”), as follows:

16. Denied. See Amended Complaint, ¶ 11-13.
17. Denied. See Dolly, Inc. v. Spalding & Evenflo Cos., 16 F.3d 394, 400 (Fed. Cir. 1994).

18. Admitted to the extent that BabyAge's sale of the Cozy Comfort pillow has not infringed U.S. Patent 6,760,934. See Answer to Counterclaim, ¶ 9-12.

Date: November 3, 2008

/s/ Andrew J. Katsock, III, Esquire  
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